

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KEN PAXTON, in his official capacity as)	
Attorney General of Texas,)	
DAVID SCHNITZ,)	
TRACY MARTIN, and)	
FLOICE ALLEN,)	
<i>Plaintiffs,</i>)	Civil Action No. 4:22-cv-00143-P
)	
vs.)	
)	
GARY M. RESTAINO, in his official)	
Capacity as Acting Director, Bureau of)	
Alcohol, Tobacco, Firearms and Explosives,)	
<i>Defendant.</i>)	

**JOINT STATUS REPORT AND MOTION TO EXTEND DEADLINE
FOR RESPONSE TO FIRST AMENDED COMPLAINT**

Pursuant to the Court’s May 19, 2022 Order (ECF No. 15), the parties file this joint status report to provide their mutual position regarding the status of the pending motion to dismiss. As explained below, counsel for the parties have conferred and agree that—in light of Plaintiff’s Amended Complaint—the prior motion to dismiss (ECF No. 10) should be treated as moot.

In addition, Defendant intends to file a new motion to dismiss the now-operative complaint, and seeks a three-week extension of time to file that motion, from May 31, 2022 to June 22, 2022. Plaintiffs do not oppose the motion for extension.

This case was filed on February 24, 2022 (ECF No. 1), and Defendant filed a Motion to Dismiss the initial complaint on April 26, 2022 (ECF No. 10). On May 17, 2022, Plaintiff contemporaneously filed both a response to Plaintiff’s motion to dismiss the initial complaint (ECF No. 12) and an Amended Complaint (ECF No. 11). Plaintiff’s Amended Complaint removes some legal claims and reframes others. (ECF No. 15 at 1). In addition, the Amended Complaint includes some new factual allegations.

On May 19, 2022, counsel for both parties conferred by phone and agreed that Defendant's prior motion to dismiss is moot, and that it would be sensible to address the important legal issues at stake through motions practice tailored to the operative complaint.

In light of this agreement, Defendant intends to file a motion to dismiss Plaintiff's First Amended Complaint and seeks additional time to file that motion. Given the complex and important constitutional issues at stake, more time is needed for Defendant to fully assess and address Plaintiff's Amended Complaint. In addition, Defendant's counsel has several preexisting briefing deadlines and professional obligations during the two weeks when Defendant's response to the Amended Complaint would otherwise be due.

Accordingly, the parties respectfully request that the Court treat the prior motion to dismiss as moot, and set the deadline for Defendant's response to the Amended Complaint for June 22, 2022.

DATED: May 20, 2022

Respectfully submitted,

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/s/ Emily B. Nestler
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CERTIFICATE OF SERVICE

On May 20, 2022, I electronically submitted the foregoing with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Emily B. Nestler
EMILY B. NESTLER